

FEB 06 1998

S-6J

George E. Meyer, Secretary
Wisconsin Department of Natural Resources
P. O. Box 7921
Madison, Wisconsin 53707

RE: Fox River Cooperative Agreement
V985769-01

Dear Mr. Meyer:

I have reviewed your January 26, 1998, request for a State lead Cooperative Agreement for the Fox River site. The enclosed Assistance Award confirms my approval of your request.

Please sign, date and return the original and two copies of this Award to the Acquisition and Assistance Branch (MCG-10J), at the address above, within 21 days from the date of this letter.

Thank you for your continuing participation in the Superfund Program. I wish you success in your endeavors.

Sincerely,

William E. Muno

William E. Muno, Director
Superfund Division

RECEIVED

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WEM
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Enclosure

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

DATE: January 23, 1998

SUBJECT: ACTION MEMORANDUM: Authorization to Award the Wisconsin Department of Natural Resource's (WDNR) Cooperative Agreement (CA) for the Fox River site.

FROM: Suzanne E. Coll *SE*
WDNR Superfund Project Officer

TO: William E. Munro, Director
Superfund Division

Purpose

The purpose of this Action Memorandum is to request authorization to award a State-lead CA for a risk assessment (RA) and conduct a remedial investigation/feasibility study (RI/FS) including related activities at the Fox River site (see attached letter/application). This funding will allow WDNR to take the lead in developing a scientifically sound RA and RI/FS for remediation of contaminated sediments in the Lower Fox River.

Estimated Costs and Schedule

The WDNR has submitted an application requesting a budget and project period through January 31, 1999 and \$1,651,623 in Federal funds to accomplish these activities.

Recommendation

This request has been reviewed and coordinated with the appropriate offices in the Region. We have reviewed U.S. EPA Order 5700.1, entitled "Policy for Distinguishing Between Assistance and Acquisition," and have determined that the appropriate assistance instrument is a cooperative agreement. Your staff has also reviewed and approved this request. I recommend that you sign the attached award and transmittal letter.

Attachment

9014
2/5/98 *SE* *2/6/98* *OSW* *2/6/98* *Jim* *2/6/98* *Kdy* *2/6/98*

U.S. ENVIRONMENTAL PROTECTION AGENCY						1. ASSISTANCE ID NO. V 985769-01-0		2. LOG NUMBER 05-V -000																																									
EPA ASSISTANCE AGREEMENT / AMENDMENT						3. DATE OF AWARD		4. MAILING DATE																																									
PART I - ASSISTANCE NOTIFICATION INFORMATION																																																	
5. AGREEMENT TYPE				6. PAYMENT METHOD																																													
<input checked="" type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Grant Agreement <input type="checkbox"/> Assistance Amendment				<input type="checkbox"/> Advance <input type="checkbox"/> Reimbursement <input checked="" type="checkbox"/> ACH Number <u>ACH-0536</u> Send Payment Request to: COMPTROLLER BRANCH, MF-10J																																													
				7. TYPE OF ACTION NEW PROJECT																																													
RECIPIENT ORG	8. RECIPIENT WISCONSIN DNR P.O. BOX 7921 MADISON, WI 53707				9. PAYEE WISCONSIN DNR P.O. BOX 7921 MADISON, WI 53707																																												
	EIN NO. 39-6006436		CONGRESSIONAL DISTRICT 02		10. RECIPIENT TYPE STATE, COMMONWEALTH, TERR GOVT																																												
	11. PROJECT MANAGER AND TELEPHONE NO. MARK F. GIESFELDT (608) 267-7562				12. CONSULTANT (WWT Construction Grants only) N/A																																												
	13. ISSUING OFFICE (CITY / STATE) US ENVIRONMENTAL PROTECTION AGENCY ACQUISITION-ASSISTANCE BRANCH US EPA, REGION 5, MC-10J 77 W JACKSON BLVD CHICAGO, IL 60604-3590				14. EPA PROJECT / STATE OFFICER AND TELEPHONE NO. COLL SUPERFUND DIVISION SR-5J, (312) 886-6044																																												
EPA CONTACT	15. EPA CONGRESSIONAL LIAISON & PHONE BARBARA BROOKS, (202) 260-5660			16. STATE APPL ID (Clearinghouse)		17. SCIENCE FIELD		18. PROJECT STEP (WWT Construction Grants Only) N/A																																									
	19. STATUTORY AUTHORITY CERCLA: SEC. 104			20. REGULATORY AUTHORITY 40 CFR PTS 31, 35 SUBPT O		21. STEP 2 + 3 & STEP 3 (WWT Construction Grants Only)																																											
						a. Treatment Level b. Project Type c. Treatment Process d. Sludge Disposal																																											
						N/A																																											
22. PROJECT TITLE AND DESCRIPTION FOX RIVER REMEDIAL INVESTIGATION/FEASIBILITY STUDY																																																	
23. PROJECT LOCATION (Areas Impacted by Project)																																																	
City / Place STATEWIDE				County STATEWIDE		State WI		Congressional District ST AT EW ID E																																									
24. ASSISTANCE PROGRAM (CFDA Program No. & Title) Hazardous Substances Response Trust Fund				25. PROJECT PERIOD 02/08/98 - 01/31/99		26. BUDGET PERIOD 02/08/98 - 01/31/99																																											
27. COMMUNITY POPULATION (WWT Construction Grants Only) N/A				28. TOTAL BUDGET PERIOD COST \$1,651,623		29. TOTAL PROJECT PERIOD COST \$1,651,623																																											
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>FUNDS</th> <th>FORMER AWARD</th> <th>THIS ACTION</th> <th>AMENDED TOTAL</th> </tr> </thead> <tbody> <tr><td>30. EPA Amount This Action</td><td>\$0</td><td>\$1,651,623</td><td></td></tr> <tr><td>31. EPA In-Kind Amount</td><td>0</td><td>0</td><td></td></tr> <tr><td>32. Unexpended Prior Year Balance</td><td>0</td><td>0</td><td></td></tr> <tr><td>33. Other Federal Funds</td><td>0</td><td>0</td><td></td></tr> <tr><td>34. Recipient Contribution</td><td>0</td><td>0</td><td></td></tr> <tr><td>35. State Contribution</td><td>0</td><td>0</td><td></td></tr> <tr><td>36. Local Contribution</td><td>0</td><td>0</td><td></td></tr> <tr><td>37. Other Contribution</td><td>0</td><td>0</td><td></td></tr> <tr><td>38. Allowable Project Cost</td><td>\$0</td><td>\$1,651,623</td><td></td></tr> </tbody> </table>										FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL	30. EPA Amount This Action	\$0	\$1,651,623		31. EPA In-Kind Amount	0	0		32. Unexpended Prior Year Balance	0	0		33. Other Federal Funds	0	0		34. Recipient Contribution	0	0		35. State Contribution	0	0		36. Local Contribution	0	0		37. Other Contribution	0	0		38. Allowable Project Cost	\$0	\$1,651,623	
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FISCAL	Site Name		Document Control Number	FY	Approp.	Budget Organization	Program Element	Object Class	Site/Project	Cost Organization	Obligation / Deobligation																																						
	01) FOX RIVER 2/8/98-1/31/99		SFX010	98	T	5AFOJ	FAX	41.85	A565CO00	C001	1,651,623																																						

EPA Form 5700-20A (Rev. 5-82). Replaces previous editions and EPA Forms 5700-1A, B, C, and D, all of which are obsolete.

PART II - APPROVED BUDGET

SITE NAME: FOX RIVER 2/8/98-1/31/99

ASSISTANCE IDENTIFICATION: V 985769-01-0

Page 2 of 5

TABLE A - OBJECT CLASS CATEGORY (Non-construction)	TOTAL APPROVED ALLOWABLE BUDGET PERIOD COST
1. PERSONNEL	\$149,339
2. FRINGE BENEFITS	44,341
3. TRAVEL	30,231
4. EQUIPMENT	0
5. SUPPLIES	54,800
6. CONTRACTUAL	1,325,000
7. CONSTRUCTION	0
8. OTHER	4,625
9. TOTAL DIRECT CHARGES	\$1,608,336
10. INDIRECT COSTS: RATE 22.35 % BASE S+FB	43,287
11. TOTAL (Share: Recipient 0.00% Federal 100.00 %.)	\$1,651,623
12. TOTAL APPROVED ASSISTANCE AMOUNT	\$1,651,623

TABLE B - PROGRAM ELEMENT CLASSIFICATION (Non-construction)	
1.	
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12. TOTAL (Share: Recipient _____ % Federal _____ %.)	
13. TOTAL APPROVED ASSISTANCE AMOUNT	

TABLE C - PROGRAM ELEMENT CLASSIFICATION (Construction)	
1. ADMINISTRATION EXPENSE	
2. PRELIMINARY EXPENSE	
3. LAND STRUCTURES, RIGHT-OF-WAY	
4. ARCHITECTURAL ENGINEERING BASIC FEES	
5. OTHER ARCHITECTURAL ENGINEERING FEES	
6. PROJECT INSPECTION FEES	
7. LAND DEVELOPMENT	
8. RELOCATION EXPENSE	
9. RELOCATION PAYMENTS TO INDIVIDUALS AND BUSINESS	
10. DEMOLITION AND REMOVAL	
11. CONSTRUCTION AND PROJECT IMPROVEMENT	
12. EQUIPMENT	
13. MISCELLANEOUS	
14. TOTAL (Lines 1 thru 13)	
15. ESTIMATED INCOME (If applicable)	
16. NET PROJECT AMOUNT (Line 14 minus 15)	
17. LESS: INELIGIBLE EXCLUSIONS	
18. ADD: CONTINGENCIES	
19. TOTAL (Share: Recipient _____ % Federal _____ %.)	
20. TOTAL APPROVED ASSISTANCE AMOUNT	

TERMS AND CONDITIONS

THIS AWARD IS IN RESPONSE TO THE RECIPIENT'S APPLICATION SUBMITTED JANUARY 26, 1998.

1. RECYCLED PAPER

Pursuant to EPA Order 1000.25, dated January 24, 1990, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to the Agency. This requirement does not apply to reports which are prepared on forms supplied by EPA. This requirement applies even when the cost of recycled paper is higher than that of virgin paper.

2. REPORTING

Programmatic and financial status reports will be submitted to U.S. EPA on a quarterly basis, within 30 days following the end of the quarter. Final financial status reports will be submitted when all encumbrances are liquidated.

3. INDIRECT COST

The recipient will not charge nor claim for reimbursement any indirect costs until a current, acceptable indirect cost rate has been negotiated with the cognizant Federal agency. The recipient must submit a copy of the Indirect Cost Rate Negotiation Agreement to the EPA Regional Office Acquisition and Assistance Branch within 30 days after the indirect cost rate has been accepted, in order to be eligible to claim indirect costs against this assistance agreement.

4. FAIR SHARE

The recipient agrees to negotiate a "Fair Share" percentage of not less than 8% with EPA before the recipient begins the process to award any contracts under this agreement.

The recipient agrees to ensure that at least the negotiated "Fair Share" percentage of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees, in the event of any contracting, to include in its bid documents at least the negotiated "Fair Share" percentage and to require all of its prime contractors to include in their documents for subcontracts at least the negotiated "Fair Share" percentage.

The recipient also agrees to comply with the six affirmative steps of the "Fair Share" policy stated in 40 CFR 30.44(b), 31.36(e) or 35.6580(a), as appropriate.

The State and/or recipient agrees to submit a SF-334 "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Other Federal Financial Assistance" to the EPA award official within 30 days of the end of each Federal fiscal year, i.e., by October 30 of each year.

5. MBE/WBE

The recipient agrees that it will comply with EPA's Program for utilization of Small, Minority and Women's Business Enterprises in procurement under assistance agreements in accordance with written instructions that were provided by the Agency on November 19, 1997.

6. SMALL BUSINESS IN RURAL AREAS

By accepting this agreement, the recipient agrees to comply with Section 129 of Public Law 100-590, the Small Business Administration Reauthorization and Amendment Act of 1988. Therefore, if the recipient awards a contract under this assistance agreement, it will utilize the following affirmative steps relative to Small Business in Rural Areas (SBRAs):

- a. Placing SBRAs on solicitation lists;
- b. Ensuring that SBRAs are solicited whenever they are potential sources;
- c. Dividing total requirements when economically feasible, into small tasks or quantities to permit maximum participation by SBRAs;
- d. Establishing delivery schedules, where the requirements of work will permit, which would encourage participation by SBRAs;
- e. Using the services of the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce, as appropriate; and
- f. Requiring the contractor, if it awards subcontracts, to take the affirmative steps in subparagraphs a. through e. of this condition.

PROGRAMMATIC CONDITIONS

7. WDNR's Invitation for Professional Services for Fox River Projects (RFP) dated January 9, 1998, is incorporated by reference, and will serve as the State's project schedule and task breakdown, until such time as WDNR submits any other workplan to replace this RFP. Task costs from the selected bidder based on that RFP will be used as the tasks costs breakdown required by Subpart O.
8. WDNR may only use new information collected as part of the RI/FS to support the selection of the remedial alternative, except as otherwise agreed to by USEPA.

SPECIAL CONDITIONS (continued)

PART IV

NOTE: The Agreement must be completed in duplicate and the Original returned to the Grants Administration Division for Headquarters awards and to the appropriate Grants Administration Office for State and local awards within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time, may result in the withdrawal of the offer by the Agency. Any change to the Agreement by the recipient subsequent to the document being signed by the EPA Award Official, which the Award Official determines to materially alter the Agreement, shall void the Agreement.

OFFER AND ACCEPTANCE

The United States of America, acting by and through the U.S. Environmental Protection Agency (EPA), hereby offers

assistance/amendment to the WISCONSIN DNR for 100.00% of all approved
RECIPIENT ORGANIZATION

costs incurred up to and not exceeding \$ 1,651,623 for the support of approved budget period effort described

ASSISTANCE AMOUNT

in application (including all application modifications) cited in Item 22 of this Agreement

SUPERFUND PROGRAM

, included herein by reference.

DATE AND TITLE

ISSUING OFFICE (Grants Administration Office)

ORGANIZATION / ADDRESS

ACQUISITION-ASSISTANCE BRANCH
 US EPA, REGION 5, MC-10J
 77 W JACKSON BLVD
 CHICAGO, IL 60604-3590

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

SUPERFUND DIVISION
 US EPA, REGION 5, S-6J
 77 W JACKSON BLVD
 CHICAGO, IL 60604-3590

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

TYPED NAME AND TITLE

WILLIAM E. MUNO, DIRECTOR
 SUPERFUND DIVISION, REGION 5

DATE

This agreement is subject to applicable U.S. Environmental Protection Agency statutory provisions and assistance regulations. In accepting this award or amendment and any payments made pursuant thereto, (1) the undersigned represents that he is duly authorized to act on behalf of the recipient organization, and (2) the recipient agrees (a) that the award is subject to the applicable provisions of 40 CFR Chapter I, Subchapter B and of the provisions of this agreement (Parts I thru IV), and (b) that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by EPA to have been overpaid will be refunded or credited in full to EPA.

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

DATE